(N. S.) 487; *Hennessey* v. *Taylor*, 189 Mass. 583, 76 N. E. 224, 3 L. R. A. (N. S.) 345. See 2 VA. LAW REV. 298. The general rule is that the question of the pedestrian's contributory negligence is, under the circumstances of the particular case, a question of fact for the jury. *Gerhard* v. *Ford Motor Co.*, 155 Mich. 618, 119 N. W. 904, 20 L. R. A. (N. S.) 232; *Baker* v. *Close, supra.* It is, therefore, generally held that it is not contributory negligence *per se* for the pedestrian to fail to keep a constant lookout. *Deputy* v. *Kimmell*, 73 W. Va. 595, 80 S. E. 919, 51 L. R. A. (N. S.) 989; *Williams* v. *Benson*, 87 Kan. 421, 124 Pac. 531; *Hennessey* v. *Taylor, supra.* All the cases hold that the pedestrian is not required, in the exercise of ordinary care, to stop, look and listen when crossing a street, as he is required to do when crossing a railroad track. *Terrill* v. *Walker*, 5 Ala. App. 535, 59 South. 775; *Baker* v. *Close, supra; Williams* v. *Benson, supra.* See 3 VA. LAW REV. 466.

The cases are almost unanimous in holding that it is not contributory negligence as a matter of law for a pedestrian to fail to look both ways before crossing a street, and that the question is one of fact for the jury. *Minor* v. *Mapes*, 102 Ark. 351, 144 S. W. 219; *Lewis* v. *Seattle Taxicab Co.*, 72 Wash. 320, 130 Pac. 341. But see *Davis* v. *Breuner*, 167 Cal. 683, 140 Pac. 586.

While the general rule is as above stated, there are cases in which it is negligence *per se* for a pedestrian to fail to look before crossing a street, as where he attempts to cross a crowded thoroughfare; and where the duty is thus positively imposed upon him he must look with the purpose of seeing and guarding against approaching vehicles. *Larner* v. *New York Transp. Co.*, 149 App. Div. 193, 133 N. Y. Supp. 743. Where a person has thus looked with the purpose of seeing but failed to see an approaching automobile and is injured by it, the question of his contributory negligence should be left to the jury. *Gouin* v. *Ryder* (R. I.), 87 Atl. 185; *Rump* v. *Woods*, 50 Ind. App. 347, 98 N. E. 369.

The pedestrian has the right to presume that others will use due care. *Hennessey* v. *Taylor, supra; Deputy* v. *Kimmell, supra.* The pedestrian may presume that others will obey the law, and it is not his duty to look for vehicles approaching on the wrong side of the street. *Bradley* v. *Jaeckel*, 65 Misc. 509, 119 N. Y. Supp. 1071. See *Mosso* v. *Stanton*, 75 Wash. 220, 134 Pac. 941, L. R. A. 1916A, 943. While the sense of sight is the one most often employed in such cases, yet the pedestrian is bound to the reasonable use of all his senses to prevent an accident. *Hannigan* v. *Wright*, 5 Pen. (Del.), 537, 63 Atl. 234. See *Minor* v. *Stevens*, 65 Wash. 423, 118 Pac. 313, 42 L. R. A. (N. S.) 1178.

CORPORATIONS—POWERS—POWER TO ACT AS GUARDIAN.—A corporation, upon its own application, was appointed guardian of an infant orphan. The defendant, as agent of the corporation, was given custody of the child; whereupon the plaintiff made application for the surrender of the child. *Held*, a corporation may act as guardian of the estate, but not of the person. *Murphree* v. *Hanson* (Ala.), 72 South. 437. See NOTES, p. 140.